

UNITED STATES DISTRICT COURT

for the

District of Oregon



United States of America

v.

Case No. 3:23-mj-00042-2

MARLON ANEXI VELASQUEZ DIAZ

*Defendant(s)***CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE MEANS**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 17, 2022 to March 10, 2023 in the county of Multnomah and elsewhere in the
District of Oregon, the defendant(s) violated:*Code Section*21 U.S.C. §§ 841(a)(1), (b)(1)(A)
(vi), and 846*Offense Description*Possession with intent to distribute controlled substances (fentanyl) and
conspiracy to possess with intent to distribute controlled substances
(fentanyl)

This criminal complaint is based on these facts:

See affidavit of DEA, Special Agent Kenneth Bain which is attached and incorporated fully by reference

☒ Continued on the attached sheet.

/s/ Signed by Telephone

Complainant's signature

Kenneth Bain, Special Agent, DEA

*Printed name and title*Sworn to by telephone or other reliable means at 8:43 a.m./p.m. in accordance with Fed. R. Crim. P. 4.1Date: March 13, 2023*YOULEE YIM YOU**'u 'ge's s'igna'ure*City and state: Portland, Oregon

YOULEE YIM YOU, U.S. Magistrate Judge

Printed name and title

3:23-mj-00042-2

DISTRICT OF OREGON, ss:

AFFIDAVIT OF WILLIAM CHIPAIN

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Kenneth Bain, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Drug Enforcement Administration (DEA) and have been since January 2022. I am currently assigned to the DEA Seattle Field Division (SFD) Portland District Office (PDO). As a Special Agent of the DEA, I have participated in numerous drug investigations as either the lead case agent or as a supporting investigative agent, including in Title III wiretap investigations of violations of the Controlled Substances Act, Title 21, United States Code, Section 801, *et seq.* I have received specialized training from the DEA, to include a 17-week Basic Agent Training course, followed by 16 weeks of DEA field training in Portland, Oregon and other training courses. During my field training, I participated in multiple drug investigations involving controlled purchase operations, interdiction, vehicle tracking, cell phone geolocation techniques, pen register/trap and trace orders, and Title III wiretaps. I have interviewed and operated informants, executed search warrants, arrested and interviewed subjects involved in the smuggling and distribution of narcotics, conducted physical surveillance, and utilized electronic and video surveillance. I have been involved in conducting long-term, international, and complex conspiracy investigations. Prior to my assignment to the PDO, I was a sworn law enforcement officer in the state of Florida with the University of Florida Police Department for six years. During that time frame, I was assigned to Patrol for the first four years. For the last two years, I was assigned to the Gainesville DEA office, under the Miami Field Division, as a deputized Task Force Officer (“TFO”). During my time as a TFO, I authored and executed state and federal search warrants, participated in state and federal Title III wiretap

investigations, authored federal geolocation, vehicle tracking, and electronic communications search warrants to Facebook, Google, Apple, and other service providers. I have personally conducted traditional and cyber investigations which have resulted in the arrest of individuals in the United States, as well as multiple European nations, and the seizure of millions of dollars in assets. As a Special Agent, I have participated in numerous drug investigations as either the lead case agent or as a supporting investigative agent, including Title III wiretap investigations. I am familiar with investigations of Drug Trafficking Organizations (“DTOs”), including identifying methods of importation and distribution of controlled substances, and how controlled substances are manufactured, consumed, packaged, marketed, smuggled, and distributed. I am also familiar with various tactics used by DTOs to import drugs into the United States, communicate with members of the DTOs, and arrange for transportation and distribution of drugs.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for the following individuals:

- [REDACTED]
- **MARLON ANEXI VELASQUEZ DIAZ (“DIAZ”);**

for the crimes of possession with intent to distribute controlled substances (including fentanyl, a Schedule II controlled substance) in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi), (viii) and 846 between October 17, 2022 and March 10, 2023. As set forth below, there is probable cause to believe, and I do believe, that [REDACTED]

MARLON ANEXI VELASQUEZ DIAZ have violated 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi) and 846.

3. This affidavit is intended only to show that there is sufficient probable cause for the requested arrest warrants and does not set forth all of my knowledge about this matter. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, interviews of witnesses, a review of records related to this investigation, communications with others who have knowledge of the events and circumstances described herein, and information gained through my training and experience.

4. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Applicable Law
Target Offenses

5. Title 21, United States Code, Sections 841(a)(1), (b)(1)(A)(vi) and 846 makes it illegal to possess controlled substances (fentanyl) with intent to distribute them, and to conspire to do so. This offense is punishable by 10 years to life imprisonment, a fine of up to \$10 million, and five years' supervised release.

Sources of Information

6. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

8. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

10. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Statement of Probable Cause
Background of Investigation

11. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

12. To date, agents have conducted [REDACTED] controlled purchases and purchased approximately 528.5 gross grams of counterfeit oxycodone pills (approximately 3,450 pills) suspected to contain fentanyl. These weights are gross weight, which include packaging. These operations are detailed below.

[REDACTED]

13. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

14.

[REDACTED]

15.

[REDACTED]

16. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

17. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

18. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

19.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

22. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

23. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

24. [REDACTED]

[REDACTED]

[REDACTED]

25. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

26. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

27. [REDACTED]

28. On January [REDACTED] 2023, UC-1 contacted [REDACTED] and told him that UC-1 had \$2000.00 for a deal. [REDACTED] replied, “1800_\$ for boat”, then later added “1000 +150 pillb for 2000\$”. Later both parties agreed on a meeting location of Plaid Pantry [REDACTED] [REDACTED] Portland, OR).

29. On that same day, at approximately 2:45PM, DEA Portland and ATF Portland established surveillance in the area of the Plaid Pantry parking lot. At approximately 3:19PM, UC-1 arrived in his vehicle and parking in the parking lot. At approximately 3:22PM, UC-1 informed [REDACTED] that he had arrived. [REDACTED] replied, “Ok good.” At approximately 3:37PM, investigators observed a black BMW 4-door sedan with blue dealer tags park next to the UC vehicle. Investigators then observed [REDACTED] exit the BMW and enter the UC vehicle. While in the vehicle, [REDACTED] conversed with UC-1 about drug transactions, to include the prices for methamphetamine and heroin. [REDACTED] also informed UC-1 that his nephew, “DIEGO” (**DIAZ**) would arrive shortly with the pills.

30. [REDACTED]
[REDACTED]. At approximately 3:49PM, investigators observed **DIAZ** enter the UC vehicle. UC-1 then gave \$2,000.00 in pre-recorded government funds. **DIAZ** gave UC-1 approximately 197.4 gross grams, to include packaging, of small, blue pills stamped “M30”. The bulk of the pills were wrapped in aluminum foil and the rest were in small, clear, plastic baggies. Subsequent to the culmination of the deal, DEA agents retrieved the

purchased pills, transported them to the DEA Portland District Office and processed them as evidence.

31. [REDACTED]
[REDACTED]
[REDACTED]

32. For officer-safety reasons, the purchased pills were not tested, due to the risk of fentanyl exposure. Based on the abovementioned conversations between UC-1 and [REDACTED] [REDACTED] and the controlled purchases on November [REDACTED] 2022, November [REDACTED] 2022, December [REDACTED] 2022, and January [REDACTED] 2023 for approximately 525.8 gross grams of suspected fentanyl pills, I believe that [REDACTED] [REDACTED] **DIAZ** are actively involved in the distribution of controlled substances [REDACTED] to facilitate drug deals.

[REDACTED]
32. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

33. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

34. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

35. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

36. [REDACTED]

[REDACTED]

[REDACTED]

37.

[REDACTED]

38.

[REDACTED]

39.

[REDACTED]

40.

[REDACTED]

[REDACTED]

[REDACTED]

41. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

42. [REDACTED]

[REDACTED]

[REDACTED] ”

43. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

44. [REDACTED]

[REDACTED] During the call, the user of Target Cellphone 4 stated that he was **DIAZ**. [REDACTED] asked if **DIAZ** could come see him and asked for two “rolls.”

45. Based on my training and experience, I am aware that drug traffickers commonly used coded language to avoid detection by law enforcement. I am aware that “roll” is a term used in the Portland Metro area to refer to 100 counterfeit oxycodone pills containing fentanyl. Based on the above conversation, I believe that UM-1893 contacted **DIAZ** in order to purchase 200 counterfeit oxycodone pills.

March 10, 2023: DEA Portland Arrests DIAZ

46. On March 10, 2023, [REDACTED]

47. [REDACTED]

At approximately 6:20PM, Agents located **DIAZ** in the in the driver seat of a silver Kia Sportage bearing Oregon registration 577NWK in the parking lot of Safeway (2615 NE 112th Ave, Vancouver, Washington). **DIAZ** was the sole occupant.

48. Agents, bearing clear “police” markings, approached **DIAZ** and ordered him to exit the vehicle. **DIAZ** gave agents verbal consent to search the vehicle. Agents located clear, crystal-like substances on the passenger floorboard. A Spanish-speaking agent read **DIAZ** the Miranda Warning from a department-issued card. **DIAZ** stated that he understood and agreed to answer questions. When confronted about the suspected crystal methamphetamine in the vehicle, **DIAZ** stated that he did not know what the agent was referring to. Agents then discovered multiple clear plastic baggies of approximately 372 gross grams of blue counterfeit oxycodone pills containing suspected fentanyl, a clear baggie containing 50.3 gross grams of suspected heroin, and a clear plastic baggie containing 42.55 gross grams of suspected cocaine, and a black sock containing an undetermined amount of United States Currency concealed within the center console of the vehicle, behind panels. After the discovery, **DIAZ** stated that he makes money selling drugs and that the powder was “perico”, a word commonly used to refer to cocaine. When the Spanish-speaking agent said that “perico” is cocaine, **DIAZ** agreed.

49. Investigators seized **DIAZ**’s Target Cellphone 4 from **DIAZ**’s person incident to his arrest. Investigators confirmed the device they seized was Target Cellphone 4 [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] **DIAZ** verbally consented to Investigators searching Target Cellphone 4, and Investigators observed evidence of narcotics trafficking in the messaging applications on the phone. **DIAZ** consented to investigators searching another device in his possession (**DIAZ** Phone-5446). In the Whatsapp messages on **DIAZ** Phone-5446, Investigators observed messages between **DIAZ** Phone-5446, **DIAZ**’s Target Cellphone 4 and

[REDACTED] discussing narcotics distribution, including sources of supply, distribution and courier operations.

Conclusion

50. Based on the foregoing, I have probable cause to believe, and I do believe, that **VELASQUEZ** and **DIAZ** have committed the crime of possession with intent to distribute and conspiracy to possess with intent to distribute and distribute controlled substances, including fentanyl – in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vi) between October 17, 2022, and March 10, 2023.

51. I therefore request that the Court issue a criminal complaint and arrest warrants for [REDACTED] and **DIAZ**.

52. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Paul Maloney and AUSA Maloney advised me that in his opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

Request for Sealing

53. It is respectfully requested that the Court issue an order sealing, until further order of the Court, all papers submitted in support of the requested criminal complaint and arrest warrant. I believe that sealing these documents is necessary because the individual to be arrested is relevant to an ongoing investigation, and any disclosure of the individual's arrest at this time may endanger the life or physical safety of an individual, cause flight from prosecution, cause destruction of or tampering with evidence, cause intimidation of potential witnesses, or otherwise

seriously jeopardize an investigation. Premature disclosure of the affidavit, the criminal complaint, and the arrest warrant may adversely affect the integrity of the investigation.

/s/ Kenneth Bain by Telephone

KENNETH BAIN

Special Agent

Drug Enforcement Administration

Sworn by telephone or other reliable means at 8:43 a.m./~~p.m.~~ in accordance with the requirements of Fed. R. Crim. P. 4.1. on March 13, 2023.

Youle Yim You

YOULEE YIM YOU

United States Magistrate Judge